

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COAST TO COAST TITLE, LLC, et al.,

Plaintiffs

v.

TYRRELL L. GARTH, et al.,

Defendants.

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Civil Action No. 4:24-cv-02767

**ORDER GRANTING DEFENDANTS TYRRELL L. GARTH AND
PHILLIP H. CLAYTON’S MOTION TO DISMISS**

This Court, having considered Defendants Tyrrell L. Garth and Phillip H. Clayton’s Motion to Dismiss under Fed. R. Civ. P. 9(b) and 12(b)(6), the documents attached to the motion and thereby incorporated in the pleadings, any responses thereto, the arguments of counsel, and the relevant authorities, has determined that Defendants Garth and Clayton’s Motion should be GRANTED.

IT IS THEREFORE ORDERED that Counts 6 and 15 are DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 9(b) and 12(b)(6) as to Defendant Tyrrell L. Garth;

It is further ORDERED that Count 7 is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 12(b)(6) as to Defendants Tyrrell L. Garth and Phillip H. Clayton;

It is further ORDERED that Count 15 is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 9(b) and 12(b)(6) as to Defendant Phillip H. Clayton;

It is further ORDERED that the fraudulent inducement claim in Count 16 is DISMISSED WITH PREJUDICE insofar as the claim is barred by a disclaimer of reliance provision and DISMISSED WITHOUT PREJUDICE for any other misrepresentations under Federal Rule of Civil Procedure 9(b) and 12(b)(6) as to Defendants Tyrrell L. Garth and Phillip H. Clayton;

It is further ORDERED that the fraudulent inducement claim of Count 17 is DISMISSED WITH PREJUDICE to the extent the claim is barred by disclaimer of reliance provisions, and the DTPA claim of Count 17 is DISMISSED WITH PREJUDICE under Federal Rule of Civil Procedure 9(b) and 12(b)(6) as to Defendant Tyrrell L. Garth.

It is so ORDERED.

Signed on this ____ day of _____, 2024.

Honorable Lee H. Rosenthal
United States District Judge